

REMARKS

Applicant appreciates the time taken by the Examiner to review Applicant's present application. This application has been carefully reviewed in light of the Official Action mailed November 16, 2004. Applicant respectfully requests reconsideration and favorable action in this case.

Amendments to the Claims

Independent Claims 12, 13, and 14 have been amended merely for clarification. In particular, they have been amended to recite "wherein nodes represent retail items and edges represent interactions between retail items". Claims 5, 10, and 11 have been amended to correct typographical errors. Claim 18 has been added. No new matter has been added.

Amendments to the Specification

The specification has been amended to correct various typographical errors. No new matter has been added.

Objections to the Claims

Claims 10 and 11 were objected to for being substantial duplicates. Claim 11 has been amended to correct a typographical error, and it is believed the objection has been obviated. Accordingly, withdrawal of the objection is respectfully requested.

Rejections under 35 U.S.C. § 102

Claims 1-5 and 10-17 stand rejected as anticipated by U.S. Patent No. 6,509,898 ("Chi"). Applicant respectfully traverses this rejection. The standard for "anticipation" is one of fairly strict identity. Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. *W.L. Gore & Assocs. v. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983). Chi does not disclose each and every element set forth in the pending claims arranged as in the claims, some distinctions of which are set forth below.

Independent claim 1 has been amended merely for clarification, and now recites,

[a] system for graphically displaying interaction data between items in a retail setting, for various retailing-related activities, the system comprising:

a general purpose computer having memory capable of operating pursuant to instructions comprising an algorithm, wherein the algorithm further comprises the steps of:

loading the interaction metric between items into memory;

optimizing placement of nodes and edges pursuant to the interaction metric, wherein nodes represent retail items and edges represent interactions between retail items; and

generating a graphical representation of the nodes and edges with corresponding interaction metrics.

Thus, claim 1 discloses, in part, a system for graphically displaying interaction data between retail items. As the invention relates to items for sale in a retail setting, any item can have an interaction with any other item and there are no hierarchal dependencies imposed upon the interactions of the items.

In contrast, Chi describes a usage-based method of laying out large directed graphs depicting relationships between web pages. (Chi – col. 1, lines 21-24). Chi cannot be construed as anticipating the pending claims as Chi neither teaches nor suggests a system for graphically displaying interaction data between retail items as claimed. More specifically, Chi does not teach or suggest displaying interaction data between retail items, where nodes represent retail items and edges represent interactions between retail items, or optimizing placement of nodes and edges pursuant to the interaction metric, or generating a graphical representation of the nodes and edges with corresponding interaction metrics – all as recited in pending independent Claim 1. Because Chi does not disclose each and every element of the claimed invention, arranged as in Claim 1, Applicant respectfully requests the withdrawal of the rejection of Claim 1. Claims 2-5 and 10-12 depend from Claim 1, and thus are patentably distinct for at least the same reasons as Claim 1. Consequently, Applicant respectfully requests the withdrawal of the rejection of these Claims as well.

Further, independent Claims 12 and 13 are system claims for graphically displaying interaction data between retail items and independent Claim 14 is a method claim for graphically displaying interaction data between retail items. As such, Chi does not anticipate

these claims for at least the reasons recited above. Consequently, Applicant respectfully requests the withdrawal of the rejection of Independent Claims 12-14 and dependent Claims 15-17.

Rejections under 35 U.S.C. § 103

Claims 6-9 stand rejected as obvious over U.S. Patent No. 6,509,898 ("Chi") in view of U.S. Patent No. 6,144,962 ("Weinberg"). As claims 6-9 depend from Claim 1, Applicant respectfully submits that the above arguments laid out with respect to Claim 1 apply equally well to the rejection of Claims 6-9. Chi does not anticipate the pending Claims. Chi does not teach or suggest the claimed limitations. Weinberg teaches a visual Web site analysis program (Weinberg – abstract). Weinberg does not teach or suggest the claimed limitations, nor does Weinberg remedy the deficiencies in Chi such that the claimed limitations are met. To establish a *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP § 2143.03. The pending claims cannot be properly construed as obvious in view of the cited art. For at least these reasons, the 103 rejection of claims 6-9 is respectfully traversed, and withdrawal of the rejection is respectfully requested.

Added Claims

Dependent Claim 18 has been added. Claim 18 depends from independent Claim 1 and recites, "[t]he system for graphically displaying and optimizing interaction data according to Claim 1, wherein there are multiple paths from at least one node to at least one other node."

Thus, Claim 18 recites, in part, a system for graphically displaying interaction data between items in a retail setting, where the graphical display depicts multiple paths from at least one item to at least one other item. As the invention relates to items for sale in a retail setting, any item can have an interaction with any other item and there are no hierarchal dependencies imposed upon the interactions of the items or the graphical representation of the items and can display multiple paths between the nodes. For example, as shown in Figures 6, 7, and 12, there may be more than one path from one node to any other node.

In contrast to pending Claim 18, Chi describes a method for generating a tree-structure representation of a generalized graph structure (Chi – abstract). In further contrast, Chi describes an invention which addresses the problem of laying out large directed graphs (Chi-col. 1, lines 21-28). Although Figure 2 of Chi illustrates a graph which is neither hierarchal nor tree-like, such a graph is presented only as a graph needing improvement. For example, in discussing Figure 2, Chi recites, "[c]learly several alternative routes exist for moving from a node to another node. Because of the large number of links in a large generalized graph structure, often it is impractical to display all of the links. Therefore, when presenting a user with a visual representation of a generalized graph structure, only a subset of all links that exist in the generalized graph structure are displayed. The subset of links which is chosen for display must show a path from every node in the generalized graph structure to every other node in the generalized graph structure. A tree structure is often used to accomplish this goal." (Chi – col. 6, lines 30-41). Chi presents Figure 3 as an improved depiction, a tree structure representation, of Figure 2. Chi describes Figure 3 as follows, "[l]inks 216 through 225 were omitted because they create cycles in the generalized graph structure 200. A tree structure has no cycles, in other words, there is only one path from any node to any other node. In tree structure representation 300, there is only one path from any node to any other node because all cycles have been broken." (Chi, col. 6, lines 45-51).

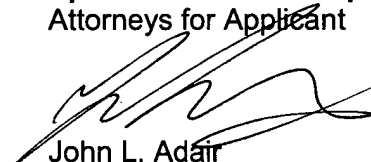
Added dependent Claim 18 is patentably distinct from the cited art for at least the same reasons as independent Claim 1, recited above.

Applicant has now made an earnest attempt to place this case in condition for allowance. Other than as explicitly set forth above, this reply does not include an acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 1-18. The Examiner is invited to telephone the undersigned at the number listed below for prompt action in the event any issues remain.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

Sprinkle IP Law Group
Attorneys for Applicant



John L. Adair
Reg. No. 48,828

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1301 W. 25th Street
Suite 408
Austin, Texas 78705
Tel. (512) 637-9220
Fax. (512) 371-9088